

Judge: Hon. Thomas W. Dore
Chapter 13
Location: Seattle
Hearing Date: June 1, 2022
Hearing Time: 9:30a.m.
Response Date: May 25, 2022

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In Re:

BEVERLY JANE CARY

Debtor

BEVERLY JANE CARY,

Plaintiff,

v.

PATCH SERVICES, LLC d/b/a NOAH;
PATCH HOMES, INC.; FIRST AMERICAN
TITLE INSURANCE COMPANY LENDERS
ADVANTAGE,

Defendants.

Chapter 13

Bankruptcy Case No. 20-12450 TWD

Adversary Case No. 22-01000-TWD

DEFENDANT'S REQUEST FOR
JUDICIAL NOTICE IN SUPPORT OF
MOTION TO DISMISS PURSUANT TO
FRBP 7041

I. RELIEF REQUESTED

Pursuant to Rule 201(b)(2) of the Federal Rules of Evidence, Defendant First American Title Insurance Company Lenders Advantage ("FATIC") requests judicial notice of the following documents submitted in support of FATIC's motion to dismiss Plaintiff's Second Amended Complaint ("Complaint"):

100047/002553/02633538-1

REQUEST FOR JUDICIAL NOTICE -1

Case No. 22-01000-TWD

LAGERLOF LLP

701 PIKE STREET, SUITE 1560

SEATTLE, WA 98101

1 1. Patch Services, LLC's exhibits in support of its Creditor's Claim filed in
2 Plaintiff's Chapter 13 Bankruptcy in the United States Bankruptcy Court for the Western
3 District of Washington at Seattle under Case No. 20-12450-TWD; a true and correct copy
4 is attached as **Exhibit 1**.

5 **II. AUTHORITY AND ANALYSIS**

6 Grounds for judicial notice of Exhibit 1 are that it is a true and correct copy of
7 exhibits to Patch Services, LLC ("Patch")'s Creditor's Claim filed in Plaintiff's Chapter 13
8 Bankruptcy Case under case no. 20-12450-TWD. This exhibit is part of the Court's record
9 in the non-adversarial matter entitled *In re Beverly Jane Cary*, Western District of
10 Washington Bankruptcy Court, Case No. 20-12450-TWD. See Dkt. 11 at 11-1.
11 Furthermore ("Here, the trustee argues that the debtor's failure to disclose certain
12 information in his statement of affairs and schedules constitutes a false oath under §
13 727(a)(4)(A) and the trustee asks the court to take judicial notice of the debtor's bankruptcy
14 petition, schedules, statement of financial affairs, and related documents. 'Under Fed. R.
15 Evid. 201(b)(2), which is applicable in bankruptcy cases, *see* Bankruptcy Rule 9017, a
16 court may take judicial notice of facts that are not subject to reasonable dispute in that they
17 are 'capable of accurate and ready determination by resort to sources whose accuracy
18 cannot reasonably be questioned.' Accordingly, this court will take judicial notice of the
19 contents of debtor's petition, schedules, statement of affairs, and related documents." *Clark*
20 *v. Reed (In re Reed)*, 293 B.R. 65, 69 (Bankr. D. Kan. 2003)).

21 These documents are subject to judicial notice because the accuracy of the source
22 from which these facts are derived cannot reasonably be questioned. Fed. R. Evid.
23 201(b)(2).

24 Accordingly, the Court is entitled to take judicial notice of the attached documents.

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DATED this 2nd day of May 2022.

LAGERLOF LLP

s/ Robert A. Bailey
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s/ Karrie L. Blevins
 Karrie L. Blevins, Paralegal
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